## MILITARY COURT OF INQUIRY BELATIVE TO THE

LOSS OF THE STEAMFHIP SAN FRANCISCO.

Full Report of the Preceedings. CONTINUATION OF THE TESTIMONY OF LIEUT. S. FREMONT.

CHIRD DAY.

No. 114 Wast ELEVANTH STREET } Wednesday, 11 o'clock A. M }
The Court met at the above hour, pursuant to the adjournment of yesterday.

Major General Windell Scott presided, and the Judge
Advocate, with the other members of the court, were

resent.

Major Lee, Judge Advocate, read the minutes of

proceedings of the previous day.

Lieutenant S L Fremont was recalled, and gave a continuation of his testimony, as follows:—

Question.—Have you say further answer; to make to the

last query of yesterday in regard to the command? and if sc, proceed to answer as much as relates to the other officers and troops Answer.—I am not able to say after the wreck; as I re-

Answer.—I am not able to say after the wreck; as I remarked yesterday, I was disabled by a severe attack of pleurisy, and I did not go forward for about two days; therefore I did not know what took place during that time; after that time regular details of the officers and men were furnished to free the ship from water; two officers were assigned to this duty at that time, there were two officers on duty, and as many men as could work. I think the details of these men were first ordered on the evening of the 25th, but I am not positive; the wrech took place about seven o'clock on the moraing of the 24th an'I do not say that the first aid of a work. of the 24th and 1 do not say that the first aid of a working party of the troops was furnished at night of the 25th; but to the best of my recollection it was then the first was furnished by regular detail; I have no doubt. I am perfectly confident that aid was furnished from the first, by officers and men near the engine; they were quartered near the engine; Capiain Judo, and I think Lieutenant Louier, had gine forward at the time of the were; to the forward cabin, and remained there about two days, they went from the main cabin; a few other junior officers and men assisted in this, I am condident.

Q.—Was or was not the affiredeed as som as applied for?

A .- I believe the aid was rendered as soon as applied

for.

Q.—Was or was there ust any reglect or want of energy on the part of the commander of the troops, Colonel bates, in your judgment? and if so, state the fact?

A.—Id on on the or that there was any want of energy; all was done that could be done to free the ship from water, and without the sid of the officers and men, I am soundent she must have goze dows.

Q.—When you speak of the first aid by regular dotail, do you man the first furnished by order of the commander?

A-I do, though I did hear Colonel Gates direct indl

do you mean the first furnished by order of the comb mander?

A = I do, though I did hear Colonel Ga'es direct individual soluters who came into the main cabin to go forward and work at the pumps; this was the only officers' cavin left, where we were at the time.

Q. Ween you say that aid was rendered as a son as applied for, do you mean that such all was furnished by fol. Gates and by his order?

A. I believe the aid was rendered on the application of Capt Watkins to the individual officers sear him at the engine at that time; I believe the orders of Capt. Watkins to throw out the bagages is order to lighten the ship, mewer reached the cabin, to the best of my recollection and beliet.

Q. Wees was Cot. Ga's at this time?

A. He was goverally in the cable, although he went forward during the time, but how often I d) not know.

Q. Was there any disorganization of disregard of discipline among the troops, so long anyou were on the steamer, to your knowledge?

A. There was no di-organization other than that resulting from the less of officers and non commissioner officers by the socident and wreck of the 24th; a large polition of the rank and file were recraits, many of them but a short time in the service, and I found that they had much less respect for orders than I ever had seen exhibited by any other command before; I found that they had much less respect for orders than I ever had seen exhibited by any other command before; I found that they shifted from the less were very slow to obey; nothing like mutany or remonstrance to orders was known to ms; I found the best vay to make them work was by an appeal to their own lives, and not by my appeal to their own anger, their own lives, and those of their command?

A. Not to my knowledge; I heard of some, crititle, but idd not rea a case; there were great pains taken to throw the whistey which was on board overboard; this was dene by Captain Judd, to the best of my balies, a

Q. What was the average amount of the officers bag gage?

A. I averaged the baggage taken from the officers and their personal goods at about eight hundred barrels in bulk; I think it slightly exceed do that; I averaged it previous to embarkation; it possibly may have reached a thousand barrels.

Q. What number of officers were in command?

A. About eighteen, I think.

Q. Oould all the man have been quartered on the lower and steerage deck if the baggage had been placed on the paper or mate deck? A. That was used for a hospital; it might have been used for quarters for the men but then we could have had no hospital; the mess table was arranged on the upper deck, the same places that the standees occupied during the night; we used to eat during the day on the upper deck, the tables were surpanded by rode, and at sight they were bailed up, and the standees put noder them; the cooking galleys and mess tables were on that deca.

Q. Was that arrangement the best that could be made; A. It was the best that could be made under the diroum stances.

Q. Then you consider that all proper greations were.

ptances.

Q Then you consider that all proper exertions were made by the commander to secure the comfort and good made by the commander to secure the comfort and good discipline of his troops during their sufferings on the wreak? A I think a younger offiser, less snoumbared with a family, might have exerted himself more personally, and probably would, but I to not think the mea suffered any from regient on the part of 60 Gates; the company offisers took immediate charge of their men, and furnished them with every means trust the ship at forded; there was no fire than in the cook's galley, as it could not be kept up in consequence of the roll of the see.

forded; there was no fire then in the cook's gailer, as it could not be kept up in consequence of the roll of the sea.

Q fould any better arrangements have been made by officers or mee.\(^\*\) A I do not think there could.

Q State the circumstances relating to Colonel Gates' leaving the San Francisco.

A On the 28th of December the bark Kilby came along side and rent a boat; Captain Watkins and my-elf endeavored to go on bard to see if she would take us to an american port; Captain Watkins reached the boat with a great deal of cifficulty, though she came close to us on our weather side; he went on board, but there was sill a difficulty, and I was recommended to give my directions to him about the charter; I was advised to go down, because it would celay the boat so long; the boat theelf was very vight—a mire little stell; Captain Wa kins returned directly, having made arrangements with the captain of the Kilby to take the whole command on bard, and preparations were immediately made to clear the ship of cotton sand o nrey has troupe on board; vy direction of Coloni Gates a detail of one officer and twenty men were sent on board at once to throw over two citton; the regular tran-fer soon commenced; it was universtood that the laddles should go first with their child on in the order of the rank of their hubbands; Colonel Gates went in the first beat with una family, start the detail, leaving Major Wise in command; seeing Colonel Gates went in the first beat with una family, after the detail, leaving Major wise to superintend the embarkation of the troops?" Colenel Gates replied, "Yes, certainly," the Major starding within hearing at the time; I immediately made the detail.

Q. Where Cid this occur?

A la the cabin, pear the dining table.

etail.

Q. Where did this occur?

A in the cabin, near the dining table.

Q. Who got in that boat?—any troops or families?

A No, the beat was to ama!

Q. Was the beat employed in taking over the detail.

Who got in that boats—any troops or families?

A No, the beat was to smal

Q was the beat employed in taking over the detail
larger?

A I think it was; there were two boats—one assigned
to carry ladies, and one to carry men, in the order that I
have mentionee; not more than hair the detail of twenty
men went in the first boat; I do not ensui; rememsmber
the numbe, but I do not think any of them sould carry
as much as ten; that, as I have mentioned, was the order
nutil after Cark; when all the ladies got on board then
both boats carried the men; the disabled officers were
carried in the anne way.

Q. Will the withers please give the names of the dis
aboed officers, as he proceeds?

A. Closel Burk, Major Merchaut, Dr. Saterles, Captain
Gardiner, of the Secon d Drago ma; Major Marchant was with
his family; this arrangement was not in order—it was by
general consent they did not, however, adhere strictly
to that crown; the boat which carried the indice and
ther children was so small and leasy that two men were
required to ball it. keep 1 aff at:

Q Does the witness mow that some of the ladies per
formes their duty in bailing? A. Yes, I unierstood so—
I did not see it.

Q What officers remained on the wreat?

A. Major Wise. Heat W. A. Winder, th. S. Winder, M.
Chanoler, Cr. Wits, and a yealf; the embarkation of the
troops canticumed untol Cark; I remarked to Major Wase
that the boat cubit to ron until the troops were all removed; soon after dix the boat with the first mate came
siongesie, and intirated that this was the last trip that
the boat was lively to make, and the land hour res about
being baulet up; I tunnediately called Major Wise late
the cabin, and informed him that I must go on board and
hire these men at any price to work the boats; he at first
demured, he did not deem it measures, or something to
that effects, he said finally—' to's on board and return.'' I
replied that i or ratell equil transplant of the site,
see captain of the site, and is superior to run all of that in his—
to see them to do apyt

Lieut Murray and Captain Low had pronounced the attems hopeless in mor crippide alith that the Kilby was stadeavoing to regain the wreak of the San Francisco, did any army officer or disers press the master of the Kilby of given the sarch? The transfer, the captain urged he could not be permitted to run to New York. Here a gentleman is could volucted to the presence of witnesses during the hearing of testimony.

Gen. Scott and Place to put attendant witnesses than in the other room. In the civil courts of this land, they are never excluded when a witness is on an honorary examination. Besides, we cannot drive the several region of the proceedings are published to morror.

Examination resumed—Colonel Gates called a commitation of officers in the coloi; it was att and that we see very continuous continuou or come warded against aim, is on once, whereas, enjining him from proceeding further until he has paid the costs he has incurred, proves a most effectual remedy for the swil. If this propost ion be correct, then the second objection of the plaintiff is cestroyed—for if the remedy was confined to the limits for which he coatend, the proceeding would be powerless in the very cases where it is most meeded. As to the objection that he parties plaintiff are not the same in both actions, it seems to me that this is a mere evacion of the real facts. The point is bidedied is, who was the real party in interest in the first suit? The papers before me show that that party was the plaintiff in the present action, and that although the first action was procructed by Fort, still the present plaintiff was the real party. This view is consideration, sues as the next friend or quardian of the plaintiff. The only reason able theory and explanation of the whole transaction is that an error was made in not bringing the first action in the same of the lofant by his next friend, and this error having been corrected by the coult at bar, the action was commenced de more in the name of the party who claims to have seem damiged by the defendants. A fair and only inference to be derived from the facts in that the real plaintiff to both actions is one and the same person. And this brings me to consider the least point made by the pla ntiff, that there is no evidence that the first action was authorised by the infant plaintiff Unger. In riewing the cases as a whole, it is implicated in the same party is new acting as the acknowledged next friend or guardianic the sait. It seems to me that a more convincing fast; than this of knowledge of the acts of Fort by Unger could not be farmabled. It is not true that the next friend is not a party to the suit, and the best evidence of this is that the action is approached by the fact that the same party is new acting at the schowledge of the acts of Fort by Unger could not be farmabled. It is not t

Jedge, the jury retired, and efter a short a sense return edition court with a verticet for the defendants.

Common Pleas.

Before Judge Woodreff and Jury.

Fan. 8.—Sy enus Grieman, w. Thomas Ca niey Sherif of New Fork—Action for the recovery of a bose, of the value of \$150. Defer dant answered that one John Frank being indebted to Jacob J. Vanbelt, Judge Klarads on Sci March, 1862, grants an attachment against the property of said Frank, which was directed to defendant as sheriff. Toat under this attachment de'e dant rought the property of raid Frank, and being informed that wo hereas belonging to Frank were in the stables of one Danial McCauley, his deputy James Morris (so whom the attachment was delivered) being mashle to identify the property of Frank, served upon said McCauley a certified only of said attachment; and, further than the, he did not interfere with property of paintiff. Paintiff replied that the said two horses were pointed out to the Daputy Sheriff as berses in charge of said Frank and not his own, and that one of them belonged to him, the plaintiff. Verdict for the plaintiff, and the value of the horse, \$150.

Law Havelligence.

SUPRIME COURT OF THE UNITED TATES—Fig. 7.—Jumys J. Ring, E-q. of New York, and Wm. P. Harris, E-q., of Mississippi, were admitted attorneys and connectors of this court. No. 53. Samuel B. Linua's activistator, appellant, w. Richard S. C. as The argument of this court. No. 55. As Russell, plaintiff to error, ws. the Association of the Jestey Coupany. The argument of this court of the countered by Mr. Van Santvoord for the plaintiff in error, and continued by Mr. Par Santvoord for the demant in error, and continued by Mr. Par Santvoord for the demant in error, and continued by Mr. Par Santvoord for the demant in error, and continued by Mr. Par Santvoord for the demant in error, and continued by Mr. Par Santvoord for the demant in error, and continued by Mr. Par Santvoord for the demant in error, and continued by Mr. Par Santvoord for the demant in error, and continued

Massachusetts Legislators in New York. THE HOOSAC TUNNEL COMMITTER ON THEIR TRA-VELS-THEIR DEPARTURE PROM BOSTON-THEIR PARILS BY SEA AND THEIR DOINGS IN NEW YORK.

VRIS—THEIR DEPARTURE PROM BOSTON—THEIR PRINLS BY SEA AND THEIR DOINGS IN NEW YORK. In the 3caton Duily Advertice of Tuesday, we find the following sploy editorial:—

VEST TO NEW YORK.—A party of about sixty members of the Legislaure is expected to leave Buston this day, to visit the city of New York, the expenses of the exaction being borne by the advocates of the petition for a loan from the State in aid of the Hoosac Tunnel. The pretext of the visit is that the gentlemen may examine a store creesing machine, which is said to werk upon the same principle as a machise that may perhaps be used in making the tunnel. We have heard no explanation of the reasons why so large a delegation, if any, is needed for this purpose. We trust that there will be a call of the Huse to morrow, that the people may know was are the member; that adopt this nivel mothod of duing business. A comparison of the list with the vote on the tunnel bill will be interesting.

Offic curiosity being excited, we concluded to investigate the matter, and the result of the excavations of our reporters is as follows:—

porters is as follows:—
The Troy and Greenfield Railway Company have petitioned the State of Massachusetts to grant to them a loan of two millions of dollars, to sid them in boring a tunnel through the Hoosac mountain; this tunnel to be four and a half miles in length. The advantages purposed to be gained by the railway is a saving of twenty-two miles in distance, and the securing of easy grades. The project is bitterly opposed by the Western Railway Company, and it is only fair to say that the editor of the paper fram which the above extract is taken, was formerly president of the last named company, and now is interested in the success of that railway. The petition of the Troy and Greenfield party having been presented, it was referred to a joint special committee. The treasurer of the railway company, Mr. W. T. Davis, of Greenfield, then invited this examitate to visit New York, and view the working of a new machine, by which some advantages are gained over the present system of boring into the bowels of the mountain. He also invited the legislative reporters, and sere rail catakiters, to join the party. The invitations were generally accepted; and the party left Boston on Tuesday evening, via Providonce and Storington. On account of bad weather, the boat came to anchor, and the party amused themselves and the pasteagers, by getting up a mock Legislature, the proceedings of which are and to have been highly interesting. The party was landed at about sight o'clock, and proceeded to the Aster House, where Mr. Davis had previously perpared apartments for them. The reader must bear in mind that the whole expeane was borne by the railway company, and the guests were full of praises for the clicate ma: ner in which the treasurer statiered the cash.

At twelve o'clock the party visited Harlsun, and saw the new machine, which is not a "stone dreveing machine, which was at work on a solid rook. This machine excavates a circle and then blows out the core with gunpower. porters is as follows :—

The Troy and Greenfield Railway Company have pet

cats the rock out all at once, while the Hoose mathine excavates a circle and then blows out the core with grapewder.

After having viewed the machine sufficiently, the Committee returned to the Aster and had a quiet dinner, with plenty of wins. Syrral prominent Maine law advocates including the rosy. There were no speeches at table, but while the members of the Committee were earlying their segars in their own parlor, they were addressed by the constructor of the machine, whose re marks were listened to with marked atten fon, and who was submitted to a rigid cross examination as to the expense of ransing the machine. He "concluded" that it cost \$100 a day to run it, and it works at the rate of four inches an hour, excavating a circle seventeen feet in diameter. By increasing the power and the number of outlers the work will be accelerated.

In the eventus the party a nured themselves according to their several loclinations. They will return home this afternoon. The following is a list of the parsons in thus party. These Senators and R-presentatives whose names are marked with a \* are not members of the Joint special Committee:—

Milchell, Nantucket county. Alvord, Franklin. Smith, Hampehire. Holland, Hampden Richmend, A ams co., ch'n \*3p:ou'e, — county.
Perker, Greenfeld.
Clark, Northborc'.

Rubbard Lullow.

\*Wetherbee, Beston. Hubbard, Lu llow.
Coburn, Dracut.
Gilbert, New B. d'ord.
Maybew, Chilmark.
Hammond, Nantucket.
Kendrich, Orleans.
Baker, Marshfield.
Walden, Lynn.
\*Dwight, Hampden.
\*Lymne\*\*Lynna\*\* w. "Wetherbee, Boston.
d'ord. "Jeain, Nactuoket.
sik. "Goods in, La venoce
tucket. "Hood, La venoce
tucket. "Bardman, —
tl. "Brown, —
"Japalding, —
"Learnan, —
"Lyman, Essthampton

elder, and Ball.

OURSIDERS.

Chickering. (Gewernor's course); Hutchinson, (State architect); Poole, (doorkeeper H.n.s. of Representation); Underwood, (late Clerk of Senate); Messrs Ware, Brown, and three or lour others.

As a piece of information to the friends of these patriots, we would state that the day was one of the nacticet, slopplest, and dirtiest, that we have had this reason; so they may expect to hear a great deal of coughing and sacceting among the "assembled sisdem" for the next two or the eweeks.

The Charitable Contributions

JAMES GORDON BENNETT, Esq :-DEAR SIR-I hereby acknowledge the receipt of \$26

DEAR SIR—I hereby acknowledge the receipt of \$25 through your hands, from Charles T Gromwell, Esq. for the purchase of periodicals or newspapers for the benefit of the insane in this institution.

While sincer-sly thanking you for adding in this matter, I cannot refrain from thus publicly expressing my cordial appreciation of the kindness of the donor. I feel the more deeply indebted, as I perceive in this a step toward the supply of a want long felt in this asylum. I can as sure him that he has done far more than he could have anticipated for the happiness and welfare of the insan-

sure him that he has done far more than he could have anticipated for the happiness and welfare of the insane, in thus furnishing a record of current events, the reading of which will not only greatly contribute toward removing the tedium of recessary restraint, but will do much in effecting the complete recovery of the patient.

This unsolicited but generus denstion shall be applied in precuring such periodicals as shall be deemed the most antiable to instruct, interest, and amuse our patients.

I should be unjust did I not take this epportantly of acknowledging our indebtedness to Mesers. Evans & Bittain who, through the solicitations of a lady, have sout us their weekly newspaper exchanges for the last six months.

In conclusion, allow me to appeal to the philanthropists of our city for the donation of any reading matter, shells, minerals, curiosities, eagravings, or anything of the insense-reminding the comers that even a moment's concentration of the attention on such objects not unfrequently leads to more rational thought.

M. H. R. NNEY, Resident Physician.

Lucatic Asylum, Blackwell's leand, Feb. 8, 1854

Sign—I see in this morning's Hexato a letter signed "I la Stern," telling a tale of great misery. I have the pleasure to enclose to you a two dollar note, which I shall beg of yeu to hand over to the young lady, with my reg ets that I have not more to give, and a sincere hope that it may be the originning of a better year. I shall be glad to see in to morrow's paper that you have received this.

I remain, your very obedient servant,

\*\*Ew York, Feb. 7, 1884

Received from Mr. James G. Bennett one hundred and fity-ave dollars, to be appropriated to the sufferer by the first in Pearl and Vandewater attreets and in the Sixth ward.

GEO. W. MATSELL, Chief of Police.

The following note, enclosing three dollars, was seat to Mr. Avery:—

Mr Avery:—
For the por firmly of Edward Walsh, No. 139 Dansestreet. From M. H. M.

PARTY CONTROL OF THE STREET OF

KEW YORK, Feb. 8, 1854.

NEW YORK, Feb. 18, 1854.

NEW YORK, Fe

Brooklyn City Intelligence.

A MITTERIOUS AFFAIR. SUPPOSED CASS OF POISONING.—
Two Germans, named William Dunkick and Mr. Wendmeister, who resided in a bearding house on Ross street, near Wilson street, East Strockips, were found lying in bed jesterday moreing, the former dead, and the latter is such a state of unconsciousness that it was impossible to arouse him. They had re fred the pravious night in apparent groud health and spri's, and it is at present impossible to conjecture the cause that produced the sadefects. It is presumed by some that they were poisoned, but in what manner is not at present known. Coroner Early, arristed by Dr. Oleott, made a post morting examination ton yesterday, and had the atomach of deceased taken to Dr. Coulton the chemies, for analysation. To day a further examination will be entered into when the facts in the case will probably be brought to light.

RUN OVER ET AN CANDINGS —As aged man, named Esta Farrollic, who was the over by an omnibus in Myrels avenue on Sainrday last, died of his injuries, at the Oity Hospital yesterday.

The Selem Gauttestates, tha not eith standier that the The Salem Gazelle-states, the motelth-standing that the meritary was from five to eight eagrees below zero of funds; morning, several converts to the pursuasion of the Second adventist were baptized by immersion that fermeone—a reflicent opening in the ice being found between Phillips' what and Hatherne's Point.

Obituary. HENRY EDWARD STEVENS

HINRY EDWARD STRYESS.

Mr. Henry Edward Stevens, stage manager of the B wery theatre, died in this city yesterday. His sudden decesse was caused by a fracture of the spine, the result of a fall reserved on Monday afternoon, while wrestling with Mr. William Hamilton, a member of the Bowery theatre company, and Mr. Stevens' intimate friend. Both get tiemen were celebrated as athlete and they frequently indulged in the sport. Mr. Stevens was born in Norwich, England, July 8th, 1814, and made his first appearance on the English stage at Communic Chancet white. the English stage at Circucester, Gloucestershire, in the year 1833. He was afterwards connected with some of the London theatres, and came to the United States about ten years since. He joined Mr. C. R. Thorne's company at the Chatham theatre in this city, and was afterwards at the Chatham theatre in this city, and was afterwards stage manager of that theatre, when Mr. Duvernay was lessee. He became very popular as a manager, and when Mr. James Anderson retired from the stage management of the Bowery, Mr. Stevens was engaged in his stead, in which position he remained until the day of his death. It required no little tact and talent on the part of Mr. Stevens to fill the place of Anderson, but he was fully equal to the task His popularity as an actor, a stage manager, and a man, was as widely spread as it was richly deserved, and his sudden decesse in the prime of life will be sincerely mourned by thousands of friends—but they must remember the words of the great play wright:—

"It is the common lot,

"It is the common lot,
We must all dis-passing through nature to eternity."
In consequence of the death of Mr. Steven, the man agement closel the doors of the Bowery theatre, and there was no performance last evaning
THE GOMORE'S INGUEST.
Mr. Stevens ded at his residence, 178 Foresth street, at 12 o'cleck, on Tuesday evening. Coroner Hilton held are inquest upon the body yester tay afternoon. Several witnesses were examined. It appeared that decessed, Casper A Sparks, Mr. Wm. H. Hismilton and other persons, were on Samley sight at Hadelide, Hotele, in Grant street, and a conservation took place about feats of strength, and even-mally tursed upon wrestling, when Mr. Sevens said to Mr. Hamilton that he did not fall in the held of the high that he could throw him in three trials. M. He mullion said he did not feel inclined to try when decessed said, "Do, for the fun of the thing." They then commenced wreathing with each other, and fell three times, both together; decessed then wanted to try another hold; Hamilton declined, but upon decessed in the said in the said of the said on him; almost immediately upon he falling decessed excisioned," I am a deal man. We raised him; he did not fall on him; almost immediately upon he falling decessed excisioned, "I am a deal man." We raised him up and put him upon a mattress, and melical assistance was procured, and at his request remained at the hotel all night, and the zext morning was taken home; covared and fir. Hamilton were particular friends, and the wresting was in the purest good nature; decessed direiting the night, and was greatly affected in mix d in one equence of the societies; seased during the hight, and, "never mind, my by, there was no one to hime."

The decessed dired about 12 o'clock on Tuesday night. Drs. John O'crase and John A Lidell made a post mortem examination on the body, and found the seventh curvem examination on the body, and found the seventh curvem examination on the body, and found the product of the program of the supplies of the supplies of

The Bowery Theorem and Exambitions.

The Bowery Theorem which was alwed hast evening in consequence of the death of Mr. Stevens, the stage manager, will be upon again this evening. The drams founded upon "Uncle Tem's Cabin," will be played.

BROADWAT THEATER —"A Midduramer Night's D.eam" has been so an oessful that it is announced for every even

Buston's Theatre —The splended scenery, capital acting, and o her attractions in the production of the 'Mid-summer Night's Dream,' coutinus to draw very full houses. The piece is to be given again this evening, with Burton and his excellent company in the cast.

Namonal Theatre.—The successful draws of "The Gambler" is announced for this affection and 'Uncle Tank's Cabin' in the evening. There plays attract good houses.

Wallack's Theatre.—An interesting and varied bill is announced for this evening. It includes a somely and o her relatiniments. A sterling comerly will be presented to morrow night for Walcot's benefit.

Babin's Museum —The drams of 'The Gamber,' which has been played every evening this week, it well received by good houses. It is to be given again to sight. An interesting performance is announced for this afternoon.

Bann's Michilas —The drams of 'The Gamber,' which has been played every evening this week, it will received by goed house. It is to be given again to-night. An interesting performance is announced for this afternion.

Broadway Menageria—In a diftion to the Stames Twine, the great relaphant, and other outlootiles, the menagera have lately added a our lostly in the shape of a wonderful dwaft, much smaller than Tom Thamb. He is worth locking at—through a microscope.

Senore Burz —This popular majorious gives one of his levess this seening, as Stuyvesant institute. He successed in descriving and annulsing the public at the same time.

CIMBET'S MISSTERIS, No. 472 Broadway, have a capital remory for the "blues," and we advise all those who are afflicted to give them a call. They make the merry more merry, and dissipate gravity at once.

Wood's MINSTERIS—The sew song, "Be Cheery, Bys," as sung by Ca supell, is highly popular. It will be sung again this evening, and it as "Virg als Ouplet," burleyque, will also be given he will be programme for to-night, and go ear?.

Mys. Karr.—We lament to learn that, in consequence of the very slarming illness of Mrs. K. an, Mr. Kean was prevented from performing leat night in the Royal theat rivel represent ion given a. Windoor Castle by command of her Raj-sty. The public will participate in the regret with which we make this annuous ment, and in our hope that this gifted lady may morely be restored to health and to the profession of which he is: o great an ornament.—London Moraing Chronole Jan. 21.

From the Parle Musical Guede we learn that. Busis is a great favorite, and that her places it has opine care and ornament.—Indoon Moraing Chronole Jan. 21.

From the Parle Musical Guede we learn that, Sunds a great favorite, and the there is a long lost an inevity participate in the regret with which we make this annuous and an interest in the field. Crurelli was counting to the house of the first history will be the place of the fore. The heroise (Mrs. E. Lewis, ) who gives name to th

Plunkett, the delightful sylphide, while practising at rehearsal, met with an accident and brobe her leg." Subsequent letters make no mention of the circumstance, which is believed to be unfounded. Mr. Balle has left Vienca for Italy, to superintend the production of an Italian version of his popular opera of "The Bihemiar Girl," which is to be produced at Triaste. His opera of "Keo Isuthe" has been comparatively coolly received in the Austrian capital. At the Paris theatres there has been but little novelly, considering the periol of theyear. "Le Pierre de Touche," at the Francais, has however, had very great and deserved success. The Opera Comique has produced an operata in one sat, "Le Papillots de M. Benoist," with some pleasing music. At the same theatre, "L'Elcius du Nord" is on the eve of being brought out, and great expectations are entertimed of it. It is to be produced this month. It is re-prited that Alexander Du mas has had another work rejected by the censeur.

The invasion of Moldavia has not put a stop to the performances of the Italian opera at Jass. "Dun Pisquale" was lately given with much success, Derivis being the Don, and Mile. Abbadia the Norina. The other characters were filled by Prudenza and Tozzoli.

Marine Affairs.

THE STEAMSHIP CURLEW, for Bermuda and St. Thomas did not get further than Quarantine on Tuesday. She finally sailed yesterday morning. SEIPSUILDING IN MAINS.—The following is the amount of

tonnage built in the undermentioned districts of Maine 
 bonnage built in the undermentioned districts of Maine during the year 1853:—
 Gross Tonnage.
 No of Vessels.

 Districts.
 Gross Tonnage.
 No of Vessels.

 Weld aboro'.
 40 453
 77

 Saco.
 1,835
 4

 Belfast
 9 959
 30

 Passamaquoddy.
 15.084
 32

 Bath.
 49.399
 69

 Portland.
 17.863
 33

 Penobsoo.
 2.692
 26

 Bangor.
 8,631
 31

Total for eight districts ... 148,326 302

The returns from the districts of Mathias, Frenchman's
Bsy, Wicasset, Kennebunk and York have not been received. The aggregate tonnage in these districts probably
rescaled 20,600, making the whole for the State for 1853
about 170,000 tons.

The New British Steambur Himalayah —This vessel,
recently built in England for the Peninsular and Oriental

Steam Navigation Company, is an iron screw steamer

She was to sail from Southampton the Sth inst. on her first voyage.

The Lort Packer Ship Paikes Albert —The following particulars from Captain Bradish, concorning the loss of this vessel, appear in the English papers:—

The ship left New York on December 7 for Loudon. The wind was from the N.W. On the morning of the 9th the wind was from the N.E. to E., with ballling weather, and on the 10th it commenced with fresh gales, which icoreased rapidly until a furious gale was raging, with a very high and dangerous sea, the ship taking a large quantity of water, carried away bulwarks. So Daring the 11th the gale continued with all its fury; ship ha hooring very heavily. In lying under class resided foretepasil and main spenser, got pumps to work and pumped up large quantities of wheat, with water—the pumps being choked every few minutes. Continued pumping throughout the remainder of the day. O sing to the formit's ale sea that was on they were afraid to wear ship on the other tack. On the 12th acd 13th weather continued almost the same; on the latter day, finding it necessary for the orecevation of the ship to lighten her, commenced at 7.A. M to throw overboard flour, linseed cake, bags of wheat, and anything that came to hand. The crew were kept so employed all that day and night, and following day, 14th.

At noon found ship much relived, and the weather moderating, ceased discharging cargo. 14th, were en abled to get the ship on the sta board tack, and found her much relieved. The pumps were duly worked, being under the necessity all the time to carry short sauvas. On the 2d wind commenced from W and variable Midnight, heavy squalls with hard rain, and very sharp lightning to the weatward, furled all light sails and double rected topsalls.

At 2.A. M furled all sails, but close resfed topsall and foresail. The squalis increased very fast, with a most dangerous sea on, and ship furled all light sails and double rected topsalls.

At 2.A. M furled all sails, but close resfed topsall and mais apparent that they were un

Having heve to as near as was afe and practicable the passer gers, 16, and crew of the Prince Albert—in all 40—were got on beard the bark, silhough the furious sea, which was running at times, threatened the destruction of the boats. Capital Baddek, with the carpenter and a few others, left the ship about a quarter to 7 o'clock in the last boat; and after it had been stove and repaired, they succeeded in reaching the Norfolk at helf past 8, and all were most humanely treated on board When they quitted her she was fast settling down, the waier being within a foot and a half o't he lower deck beams.

They lay by the ship to the westward u.tl ten or halfpast ten; the Norfolk wore to the eastward, and passed close under her lee. She then appeared to be rapidly settling down, and Capitan Bradish considers that she must have struct some wreck about one o'clock on the morning of the fab. He did intelly feit the shock, and it would seen that the leak muddenly increased. None other of the oraw, however, experis need it, which is attributed to the circumstance of their being so bury in discharging cargo and otherwise relieving the ship.

The Relitor of the Shipping and Mercantile Gazellet—Sir-Though your valuable paper. I beg to express my most sincere thanks to Captain David Brown, of the bark Norfolk, of London, for the kin and prompt manner he bore down to the Prince Albert, then in a sinking condition, on neeing the signal of distress. After kindly taking all or board, (forty three in number,) through a high and dasperous sea, and be then being short of provisions, will be gave up his cabin, and die all that he could do make us as confortable as possible until he landed us make us as confortable as possible until he landed us a fined an aggregate sum of £1,800. In default of payment he was condemned to a series of terms of imprisonment, amounting allog-ther to meanly thirty years, what renders this sentence still more urjust is the fact that the hard-shure of the passengers were not occasioned so much yet the inhuman TRIAL TEIP OF A ZING SHIP.—The French papers state that a rine ship, recently built at Nantes, has made a trial trip and proved an excellent seaboat. Sas is quite strong, and the metal did not affect her compass.

The Turf.

CHARLESTON Feb. 4.—Jockey Club purse 2000, two heats.

O. P. Hare's ch m Florence, 4 years old, by Harold, cam by Rowton.

E. W. Delishunt's b. f. Madonns, 3 years old, by imp. Yorkshire, dam Magnolin, by imp. Glencoe.

Col. Singleton's ch. g. John H pkins, 3 years old, dam by imp. Glencoe, cut of Christobel.

John Harrison's ch m. Maid of Edgesombe, 5 years old, by Boston, dam by Actes.

Sang Day —Hutchinson stakes, mile heats.

B. J. Carter's b. f. by Egslice, dam Beta, by Leviathan. S J Garter's b. f. by Epsilor, dam Beta, by Lavia-than.

John Harrison's b. c. Grif Edmenson.

John Campbell's b. c. by Altorf, out of a Tranby mare.

Time 1:48-1:52.

First District Court.

Before Hon. Justice Green and a Jury.

First S - DeWat C. Littlejshe and there, as Bromson Peck.—This was an action to recover a balance of 365 13, for ireight on grain from Cowego to this city, in the month of Aus un last, and for two days demorrace of the boat while bees, in all amounting to \$56 13. The plaintiffs proved that they delivers: the quantity of grain to the defendant. A witness for the defendant proved that he neasured the grain and found an averaged deficiency in value of freight amounting to \$56 04.

The plaintiffs proved that two days are allowed by the custom as I merchaets for delivery, and they charge for demurrage after that time—tesus four days in demurrage. The Court charged the jury that plaintiff was not entitled to recover for demurge, there being no proof of the necessary notice; and that, as the plaintiff proved the weight when delivered to defendant in Oswey, it shoult be entitled to more consistentian than the evidence for the defendant, which only prived that the grain was measured and averaged. The jury returned a verdict for plaintiff of \$46 04.

THE WEATHER AND THE STREETS-DESCRIPTION OF AND SKY -Such another day as yesterday no philanthr AND SEY —Such another day as yesterday mo punanthropist can wish should come again. The wet, the rain, the mud, the slush—oh! it was horrible. If there was any satisfaction in getting out of temper at the "elerk of the weather?" for such an infliction as he sent yesterday, we know of but very few who would not indulge in a little ill humon. If that siry efficial was corporeal, or a tangible substance with life and animation, he would be murdered before he was a day older, by an outraged community. Women ecough could be found, who, being compelled yesterday to swim and wade along Broadway, from that aquatic exercise inshibed a spirit for tearing the eye out of any in the remotest way connected with getting up such a storm. It was not very cold, the thermometer in the morting, at seven o'clock, standing a iddeg, and at noon at 41 deg. The walking was the most intolerable, and fully calculated to try in every pedestrian that wirthe for which Job has been immortalized. Could a stranger have been dropped down anywhere in the city yesteriay, just to take a peep at the travelling occumunity, he would have thought New Yorkers to be an amphibious race; for Broadway, all day long, was one large flowing stream, and it would be difficult to say if it in avigators were more of the time under water or above it. The "in fell nearly all the time, and unbrillar veniers asserted in better business. Overshoes were of but little use, for any piace where the water due not cover the tops of them, was, in comparison with it little use, for any piace where the water due not cover the tops of them, was, in comparison with it little use, for any piace where the water due not cover the tops of them, was, in comparison with it little use, for any piace where the water due not cover the tops of them, was, in commenced any on Tuesday evening, the skies dircharging them continued moving the many of the continued moving the store of the due to the same of the sundless of the due to the same of the sundless of the due to the water of the compa

City Intelligence.

Sent to Penitentary. 49 – 593

Total. 5,705

A quorum not being present, the Board adjourned till Tuescay next, at 4 0'clock P. M.

CREBERATION OF ST DAVID'S DAY.—An adjourned meeting of Welcomen and descendants of Welcomen took place last evening in the Mechanica' Institute, for the purpose of adopting measures for celebrating their national festival in a becoming manner. We understand that a diar er has been decided en. From reasons which have not transpired, the St David's Society as a body have declined joining in the proposed festivities.

FIRE.—A fire broke out on Tuesday night in the house 16 Irving place, owned and occupied by Mr George B Handrickson. The loss was about \$2.300—abit to be overed by insurance

NEARLY SUPPECATED BY THE FUMES OF CHARCOAL.—On Monday sight a man named Andrew C artusy, dealer is potation of the corner of West and Revision streets, we to the Hudson River Reilroad depot for the purpose of watching a ser load of potatoes, and it being very ould, and fearing his potatoes would freeze, he made a charcoal nein a furnace and placed it in the car. It is supposed that during the sight he became cold, and entered the car to warm himself, and then fell aylesp. When found the next morning by one of the workmen in the depot, he was insensible from the fames of the charcoal. He was attended by Drs Gliss and Knner, and afterwards conveyed to the City Hospital. There are no hopes of his recovery.

Firm.—A fire broke out last night, in the second story of building No. 76 Boad street, occupied by George Noakes, Ir., importer and dealer in tobacco. It originated from a burning candle being lett in the office on the desk, which ignit d with the shirts of a coat hanging over it. It was extinguished with a damage of about \$200—mostly by water.

It was extinguished with a damage of about \$100—mostly by water.

Court of General Sessions.

Before Recorder Tillou.

Ean S.—Carrying a Slung Shot.—A young man named James Collier, was placed at the bar, charged in the indiction to use the same upon the person of one of the occupants of the house no 17 wooster street. The jury is this care, attended to the house No 17 wooster street. The jury is this care, attended a seasally upon the person of one of the occupants of the house No 17 wooster street. The jury is this care, attended a verdict of acquittal. The defendant was then set at liberty and went on his way rejoicing. Keeping o Disorderly House.—J Lunkills Settler was then place at the bar charges with keeping a disorderly house at 181 Chambers street. From the syndence of officer Jeffries, it appears that the house, which was a boarding one, was very noicy, and many of the neighbors so uplaced to him of the coles, drunkenness and fighting that took place there every evening, and that the noise could be heard a block and a half off For the defence it was clearly shown that all the coacyan's, numbering nearly one hundred, were Germans and persons first arrived from the "father land," who being in costacles at arriving in the land of freedom without any misfortnes, imbibed rather freely, and began singing some of their patriotic songs, not being aware that it was sontrary to the laws of this country to sing proface songs in a loud tone on Sondays The jury in this case found the defendant guilty, but recommended him to the mercy of the Court. Sectore deferred.

To this case N B Built, the District Autorney, said that the case of James Saunders and two others, for riot in Ninth ward on the 4th of July last, was set down for to day. The case had been repeatedly put off on account of be defendant early the Ninth ward on the 4th of July last, was set down for to day. The case had been repeatedly put off on account of be defended and the said of the patriot Attorney, the clerk called the names of the defendants as

or'eited.
The court then adjourned for the day.

The court then adjourned for the day.

Coroner's Inquest.

On Saturday evening last, a scotchman, apparently sixty or seventy years of age, atout built, fair complexion, eightly gray, and pochmarked, took lodgings at Stepard's Union Hotel, Elizabethtown, expressing his intention of remaining a few days. During Sanday and Monday has about the house, apparently wall, at doorworsing freely with persons with whom he was thrown in contact. He was quite intelligent, had apparently seem much of the world, and stated that he was acquainted with the brothers Bell, of Glasgow—owners of the ship Thrue Bellerard also with her gallant esphains. He retired to his room on Monday night, and on Tuesday morning was found dead in a kneeling posture, by his bedade. The worstign of the bed were turned down, as if he were about to compose himself to rest, but the bed was otherwise undistorbed. It appeared as if death might have overtaken him while at his devotices preparatory to retiring. Nothing was found in his possession except a carpet has containing civilining, a caguerreotype of a lady and child, a wallet containing about seven dollars in messey, and a bunch of small keys. No marks were upon his clothing, a caguerreotype of a lady and child, a wallet containing about seven dollars in messey, and a bunch of small keys. No marks were upon his clothing, nor was there asything to indicate his name or residence. An it quest was held on Tuesday by William Condell, Boo, County Corner, and after a patient investigation of all the circumstacces, is which the jury were added by two respectable physicians, a verdict of "death by appoleny" was rendered.

respectable physicians, a verdict of "death by appoleny" was rendered

Fatal Account from Blasting.—Yesterday an inquest was held at the New York Hospital upon the body of John Smith, a sative of Ireland, 36 years of age, who died from lejuries received some days since from the accidental discharge of a blast of guapowder at Ruserdala, Westelbester county, where he was rangeed in blasting rocks. The jusy rendered a results accordingly.

THE HOURS OF LANDR IN MARYLAND.—Mr. Ford, of Baltimore county, has reported a bill in the House of Delegates, which fixes the hours of labor in every cotton and woollen factory and workshop in the State, at not more than ten hours a day, or sixty hours in any one secular week, unless a greater or less number of hours be specially agreed upon. No person, however, under twenty one years of age, is to be required to labor mue than ten hours a day or sixty hours a week, and any person or body corporate convicted of employing any young person under twenty-one years of age, shall be fined not less than \$5, nor more than \$20, for each offence, said fine to go to the benefit of the school fund. White indentured apprentices are to have the benefit of this act, but not free colored apprentices or slaves, neither is the act to apply to persons engaged in agricultural pursuits.